

JS 44 (Rev. 12/12)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

CRYSTAL TORNO (a.k.a. CRYSTAL A. THOMAS-BOLDUC), an individual,

(b) County of Residence of First Listed Plaintiff Clark County
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Mark E. Ferrario, (Bar No. 1625); GREENBERG TRAURIG, LLP
3773 Howard Hughes Parkway, Suite 400 N. Las Vegas, NV 89169
Tel. No. 702-792-3773; Fax No. 702-792-9002

DEFENDANTS

GREEN TREE SERVICING, LLC; NATIONAL DEFAULT SERVICING CORPORATION; and PREMIER AMERICAN TITLE AGENCY, INC., FANNIE MAE; and DOES 1-10, inclusive

County of Residence of First Listed Defendant Minnesota
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Dennis L. Kennedy (Bar No. 1462), Bailey*Kennedy
8994 Spanish Ridge Avenue, Las Vegas, NV 89148
Tel. No. 702-562-8820; Fax No. 702-562-8821

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input checked="" type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
CAFA, 28 U.S.C. §§ 1332(d)(2)

Brief description of cause:

Punitive class action alleging violation of NRS 107.080. Amount in controversy exceeds \$5,000,000.00.

VII. REQUESTED IN COMPLAINT:

☒ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE
06/02/2015

SIGNATURE OF ATTORNEY OF RECORD
/s/ Mark Ferrario

Heslin de la Cruz for Mark Ferrario #10229

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

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8 *Counsel for Defendants Green Tree
Servicing, LLC and Fannie Mae*

9 **UNITED STATES DISTRICT COURT**

10 **DISTRICT OF NEVADA**

11 CRYSTAL TORNIO (a.k.a. CRYSTAL A.
12 THOMAS-BOLDUC), an individual,

13 Plaintiff

14 vs.

15 GREEN TREE SERVICING, LLC;
16 NATIONAL DEFAULT SERVICING
CORPORATION; and PREMIER AMERICAN
17 TITLE AGENCY, INC., FANNIE MAE; and
DOES 1-10, inclusive,

18 Defendants.

Case No.

**NOTICE OF REMOVAL BY
DEFENDANT GREEN TREE
SERVICING, LLC PURSUANT TO 28
U.S.C. §§ 1332(d)(2)**

Clark County District Court Case No. A-13-
689111-C

19 TO THE CLERK OF THE ABOVE ENTITLED COURT AND ALL PARTIES AND THEIR
20 COUNSEL OF RECORD:

21 **PLEASE TAKE NOTICE** that pursuant to 28 U.S.C. §§ 1332(d) and 1453, Defendant
22 Green Tree Servicing, LLC (“Green Tree”) hereby removes the above-captioned action from the
23 District Court of Clark County, Nevada to the United States District Court for the District of
24 Nevada. As set forth below, the Court has jurisdiction over this action under the Class Action
25 Fairness Act of 2005 (“CAFA”) because (1) Plaintiff Crystal Torno (“Torno” or “Plaintiff”)
26 purports to assert this action on behalf of more than one hundred putative class members; (2)
27
28

1 Plaintiff and Green Tree are citizens of different states; and (3) the aggregate amount in controversy
2 exceeds \$5 million dollars. *See* 28 U.S.C. § 1332(d).

3 BACKGROUND

4 1. On September 23, 2013, Plaintiff, Crystal Torno (“Plaintiff”), commenced an action
5 in the Eighth Judicial District Court, Clark County, Nevada entitled *Torno v. Green Tree Servicing,*
6 *LLC, et al*, Case No. A-13-689111-C. A copy of the Complaint is included in Exhibit A (the state
7 court record).¹ The Complaint asserted individual claims arising from the Defendants’ filing of a
8 Notice of Default with respect to her mortgage loan (the “Loan”). The Complaint alleged that
9 Green Tree had executed and attached an affidavit to the Notice of Default that incorrectly
10 identified Green Tree as the holder of the note memorializing her mortgage loan (the “Note”) and
11 current beneficiary of the deed of trust (“Deed of Trust”) that secured the Note. The Complaint
12 asserted a claim under NRS 107.080.

13 2. On December 12, 2013, the District Court dismissed the Complaint with leave to
14 amend.

15 3. On December 20, 2013, Plaintiff filed a First Amended Complaint (“FAC”) that
16 again asserted individual claims concerning the Defendants’ filing of a Notice of Default. A copy
17 of the FAC is included in Exhibit A.

18 4. On July 7, 2014, Plaintiff filed a Second Amended Complaint (“SAC”). A copy of
19 the SAC is attached hereto as Exhibit “B.” The SAC, which is the operative pleading, alleges the
20 same basic facts as the prior two complaints. Specifically, Plaintiff alleges that on January 22,
21 2013, Defendant National Default Servicing filed a Notice of Default that attached an affidavit
22 executed by a Green Tree employee that identified Green Tree as the holder of the Note and
23 beneficiary of the Deed of Trust. SAC ¶¶ 20-26. Plaintiff claims that on that date, Fannie Mae was
24 the actual owner and holder of the Note and the beneficiary of the Deed of Trust. *Id.* at ¶¶ 38-39.
25 Thus, Plaintiff contends that affidavit was false and its execution by Green Tree violated NRS

26
27 ¹ In accordance with 28 U.S.C. § 1446(a), a true and correct copy of the Summons and Complaint
28 filed in the District Court of Nevada, Clark County, and all pleadings, process, and orders served
upon Defendant are attached hereto as Exhibit A.

1 107.080. SAC ¶¶ 73-78 (First Cause of Action). The SAC also asserts NRS 107.080 claims against
 2 National Default Servicing and Fannie Mae based on the same affidavit. SAC ¶¶ 79-90 (Second
 3 and Third Causes of Action).

4 5. Unlike the prior complaints, in which Plaintiff asserted claims only on her own
 5 behalf, the SAC seeks to certify a class consisting of “[a]ll present and former grantors of deeds of
 6 trust or persons who hold or held the title of record of real property in Nevada, who held such
 7 interests in the real property when, from October 1, 2011 to the present, Green Tree executed
 8 and/or caused to be recorded a notice of default which contained an affidavit listing Green Tree as
 9 the current holder of the note secured by the deed of trust and/or as the current beneficiary of
 10 record” “Green Tree Class”).² SAC ¶41.

11 6. The SAC seeks statutory damages under NRS 107.080 of \$5,000 per class member,
 12 injunctive relief, and attorneys’ fees and costs. SAC ¶ 44.

13 INTRADISTRICT ASSIGNMENT

14 7. Plaintiff filed this case in the Clark County District Court for the State of Nevada.
 15 Therefore, this case may properly be removed to the United States District Court for the District of
 16 Nevada. *See* 28 U.S.C. § 1441(a).

17 8. Green Tree denies any liability in this case, both as to Plaintiff’s individual claim and
 18 as to the putative class members’ claims, and will present compelling defenses to these claims.
 19 Further, Green Tree believes that Plaintiff’s proposed class definition(s) are improper and overly
 20 broad and that class treatment is inappropriate in this case. As such, Green Tree will vigorously
 21 oppose certification of the putative Green Tree Class. For the sole and limited purpose of
 22 establishing the basis of the Court’s jurisdiction over this action, Green Tree assumes Plaintiff’s
 23 proposed allegations in the SAC. In alleging the amount in controversy and other matters in this
 24 removal pleading, Green Tree does not concede in any way that the allegations in the SAC are
 25 accurate or that Plaintiff or any other putative class member is entitled to any relief whatsoever.

26 _____
 27 ² The SAC also seeks to certify two other classes with respect to the claims filed against Fannie
 28 Mae and National Default Servicing, respectively. These classes appear to be subsets of the Green
 Tree Class. SAC ¶¶ 52, 63.

THIS COURT HAS JURISDICTION UNDER CAFA

9. Pursuant to § 4 of CAFA, 28 U.S.C. § 1332(d) (2):

The district courts shall have original jurisdiction of any civil action in which the matter in controversy exceeds the sum or value of \$5,000,000 exclusive of interests and costs and is a class in which – (A) any member of a class of plaintiffs is a citizen of a State different from any defendant.

10. Removal of a class action under CAFA is proper if: (1) there are at least 100 members in the putative class; (2) there is minimal diversity between the parties, such that at least one class member is a citizen of a state different from the state of any defendant; and (3) the aggregate amount in controversy exceeds five million dollars exclusive of fees and costs. 28 U.S.C. §1332 (d); *see also Kuxhausen v. BMW Fin. Servs. NA LLC*, 707 F.3d 1136, 1140 (9th Cir. 2013). Congress intended federal courts to resolve any uncertainties about these jurisdictional requirements “in favor of exercising jurisdiction over the matter.” S. Rep. No. 109-14 at 42. Because all three requirements are satisfied in this case, removal under CAFA is proper.

A. The Green Tree Proposed Class Contains More Than 100 Putative Class Members.

11. The requirement that the putative class consist of at least one hundred members is met here because Plaintiff alleges that she reasonably believes that the “Green Tree Class Members number over eight hundred (800).” SAC at ¶ 42. This allegation is sufficient to satisfy the class size requirement under CAFA since “hundreds,” by definition, means at least 200. *Kuxhausen*, 707 F.3d 1136, 1140; *see also Tompkins v. Basic Research LLC*, 2008 U.S. Dist. LEXIS 81411, *8 (E.D. Cal. Apr. 22, 2008) (concluding that satisfaction of the class size requirement under CAFA was facially apparent from plaintiff’s complaint because allegations of “a class of thousands of persons” implies a “logical minimum of 2,000 class members.”).

12. Moreover, as further discussed in Paragraph 22 below, Green Tree has determined that the number of borrowers who fall within the purported Green Tree class definition exceed 3000. *See* Declaration of Ruth Hernandez, ¶ 2.

B. Plaintiff and Green Tree Are Citizens of Different States.

13. CAFA’s “minimum diversity” requirement is satisfied if “any member of a [putative]

1 class of plaintiffs is a citizen of a State different from any defendant.” 29 U.S.C. § 1332(d)(2).

2 14. Upon information and belief, Plaintiff is a citizen of the State of Nevada.³

3 15. Defendant Green Tree is not a citizen of Nevada. Green Tree is a limited liability
4 company organized under the laws of the State of Delaware. For purposes of establishing diversity
5 jurisdiction, a limited liability company is a citizen of all of the states of which its members are
6 citizens. *Johnson v. Columbia Props. Anchorage, LP*, 437 F.3d 894, 899-900 (9th Cir. 2006).

7 16. The sole and managing member of Green Tree is Walter Investment Management
8 Corp. (“Walter Investment”). For diversity purposes, “a corporation shall be deemed to be a
9 citizen of any State in which it has been incorporated and of the State where it has its principal
10 place of business.” 28 U.S.C. § 1332(c)(1). Walter Investment is a corporation formed and
11 licensed under the laws of the State of Maryland. Its headquarters, from which its high level
12 officers direct, control, and coordinate the corporation’s activities, are located at 300 Bayport
13 Drive, Tampa, Florida. As such, Walter Investment is a citizen of the States of Maryland and
14 Florida and not a citizen of any other state.

15 17. Because the named Plaintiff’s citizenship is different from Green Tree’s citizenship,
16 CAFA’s minimal diversity requirement is satisfied. 28 U.S.C. § 1332(d)(2); *see also Serrano v.*
17 *180 Connect, Inc.*, 478 F.3d 1018, 1021 (9th Cir. 2007).

18 **C. The Amount in Controversy Exceeds \$ 5 Million.**

19 18. The Ninth Circuit applies a “preponderance of the evidence” standard to determine
20 whether CAFA removal is proper. *Guglielmino v. McKee Foods Corp.*, 506 F.3d 696, 699 (9th Cir.
21 2007); *accord Rodriguez v. AT&T Mobility Servs. LLC*, 728 F.3d 975, 981 (9th Cir. 2013). A
22 defendant seeking to remove under CAFA need only provide evidence establishing that it is ‘more
23 likely than not’ that the amount in controversy exceeds [the jurisdictional] amount of \$ 5 million.

24 19. Although Green Tree denies all liability with respect to Plaintiff’s individual claims
25 against it, Plaintiff contends that she is entitled to \$5,000 in statutory damages under NRS 107.080.

27 ³ Plaintiff alleges that she resides in Las Vegas at the property that is the subject of this action and
28 that this is her primary residence. She does not allege ties to any other state.

20. Although Green Tree denies all liability with respect to claims of unnamed putative class members, Plaintiff also contends that “[a]s a result of Green Tree’s violation of NRS 107.080(2)(c)(1), members of the Green Tree Class are each entitled to \$5,000 in statutory damages, plus attorneys’ fees and costs.

21. Green Tree maintains that Plaintiff's purported Green Tree Class definition is improper and Green Tree will vigorously oppose class certification. But, for purposes of determining the amount placed at issue by plaintiff in this action, it is appropriate to look to Plaintiff's purported class definition, which includes "[a]ll present and former grantors of deeds of trust or persons who hold or held the title of record of real property in Nevada, who held such interests in the real property when, from October 1, 2011 to the present, Green Tree executed and/or caused to be recorded a notice of default which contained an affidavit listing Green Tree as the current holder of the note secured by the deed of trust and/or as the current beneficiary of record"

22. Through its own investigation, Green Tree has determined that the number of borrowers who potentially fall within this purported class definition exceeds 3,000. *See* Declaration of Ruth Hernandez, ¶ 2.

23. Because Plaintiff alleges that her claims are typical of the claims of other class members, and that she is entitled to \$5,000 in statutory penalties, the Court must presume for purposes of analyzing the amount in controversy that the SAC seeks at least \$15 million, which is the aggregate sum of a \$5,000 per form penalty for 3,000 affidavits. Accordingly, the required amount in controversy is satisfied.

24. For the reasons stated above, all the jurisdictional requirements for CAFA removal are satisfied.

CAFA Removal Is Timely

25. The mechanics and requirements for removal are governed by 28 U.S.C. § 1446. The starting point for assessing timeliness of removal is Section 1446(b), which identifies two thirty-day periods for removing a case. *Kuxhausen*, 707 F.3d at 1139. The first thirty-day removal

period is triggered if grounds for removal are evident from the face of the pleading. *Id.*; 28 U.S.C. § 1446(b)(1). The second thirty-day removal period is triggered if the initial pleading does not reveal that the case is removable, and the defendant later receives a copy of an amended pleading, motion, order or other paper from which removability may first be ascertained. *Kuxhausen*, 707 F.3d at 1139; 28 U.S.C. § 1446(b)(1). Where neither of the two thirty-day periods under §§ 1446(b)(1) and (b)(3) have been triggered, “[a] CAFA case may be removed at any time.” *Roth v. CHA Hollywood Med. Ctr., L.P.*, 720 F.3d 1121, 1125 (9th Cir. 2013) (emphasis added). *See also Rea v. Michael Stores Inc.*, 742 F.3d 1234 (9th 2014) (“[a]s long as the complaint or ‘an amended pleading, motion, or other paper’ does not reveal that the case is removable, the 30-day time period never starts to run and the defendant may remove at any time.”)

26. Green Tree’s removal is timely because at no time were either of the two thirty-day periods in §§ 1446(b)(1) and (b)(3) triggered in this case. Neither the original complaint nor the FAC were filed as putative class actions, so CAFA removal was not available based on those pleadings. Nor could Green Tree have removed on the basis of federal question or diversity jurisdiction.

27. Class action allegations were not added to the case until the SAC. However, CAFA jurisdiction was not apparent from the face of the SAC. In fact, the SAC indicated that the CAFA threshold would *not* met in this case because it estimated 800 putative class members. *See* SAC at ¶ 42 (Plaintiff “reasonably believes that the Green Tree Class members number over eight hundred (800).” A putative class of 800 would not satisfy CAFA’s amount in controversy because the aggregate penalties would total only \$4 million, which is below the CAFA amount in controversy requirement. Consequently, the SAC was “at best ‘indeterminate’” as to the amount in controversy. *Roth*, 720 F.3d at 1125 (quoting *Harris v. Bankers Life and Casualty Co.*, 425 F.3d 689, 693 (9th Cir. 2005)). “It did not reveal on its face that there was diversity of citizenship or that there was sufficient amount in controversy to support jurisdiction under CAFA.” *Id.*⁴ The

⁴ *See Harris v. Bankers Life & Cas. Co.*, 425 F.3d 689, 694 (9th Cir. 2005) (to trigger 30-day removal periods, facts supporting removal must be evident on the face of the complaint; notice of removability is determined by the four corners of the applicable pleadings, not through subjective

1 second thirty day window was never triggered because Green Tree has not received another
2 document in the case that established the amount in controversy.

3 28. Through its own investigation, Green Tree has discovered facts supporting CAFA
4 jurisdiction as set forth in this Notice of Removal. Upon learning the relevant facts supporting
5 removal, Green Tree filed this Notice of Removal. Green Tree's removal is timely because
6 "neither of the two thirty-day periods under § 1446(b)(1) and (b)(3) [have] been triggered in this
7 case. *See Roth*, 720 F.3d at 1126.

8 29. Removal under CAFA is not subject to a one-year cap. 28 USCS § 1453.

9 CONCLUSION

10 Green Tree respectfully removes this action from the Clark County District Court of Nevada
11 to this Court. Upon filing this Notice of Removal, Green Tree will furnish written notice to
12 Plaintiff's counsel, and will file and serve a copy of this Notice with the Clerk of the District Court
13 of Clark County Nevada.

14 Dated this 2nd day of June, 2015.

15 GREENBERG TRAURIG, L.P.

16
17 By: /s/ Mark Ferrario

18 Mark E. Ferrario, (Bar No. 1625)
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26 *Counsel for Defendants Green Tree
27 Servicing, LLC and Fannie Mae*

28 knowledge or a duty to make further inquiry"); *Bosky v. Kroger Texas, LP*, 288 F.3d 208, 211 (5th Cir. 2002) (the grounds for removal must have been "unequivocally clear and certain" from the face of the pleading to have started the 30-day removal clock).